

## UNITED STATES DISTRICT COURT

for the

District of Nebraska

Division

FILED  
U.S. DISTRICT COURT  
DISTRICT OF NEBRASKA  
2020 AUG 31 PM 3:37  
OFFICE OF THE CLERKCase No. 8:20cv355

(to be filled in by the Clerk's Office)

Jury Trial: (check one)  Yes  NoRufino J. Villarreal

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

"see attached"

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

## COMPLAINT FOR A CIVIL CASE

## I. The Parties to This Complaint

## A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name  
Street Address  
City and County  
State and Zip Code  
Telephone Number  
E-mail Address

Rufino J. Villarreal  
3335 N. 103<sup>rd</sup> Plz Apt. 15  
Omaha, Douglas  
NE 68134  
(402) 813-9253  
rufinoandSarah@gmail.com

## B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

Defendants

- 1) Chris Biasby
- 2) Kevin Beattie
- 3) Michael Vance
- 4) Maria Hatfield
- 5) Seward County Sheriff
- 6) Seward County Detention Center

## Defendant No. 1

Name  
 Job or Title (if known)  
 Street Address  
 City and County  
 State and Zip Code  
 Telephone Number  
 E-mail Address (if known)

Chris Bigsby - Individually  
 Deputy  
 261 S. Eighth St. suite 245  
 Seward; Seward  
 NE 68434  
 (402) 643-2359

## Defendant No. 2

Name  
 Job or Title (if known)  
 Street Address  
 City and County  
 State and Zip Code  
 Telephone Number  
 E-mail Address (if known)

Kevin Beattie - Individually  
 Sergeant  
 261 S. Eighth St. suite 245  
 Seward; Seward  
 NE 68343  
 (402) 643-2359

## Defendant No. 3

Name  
 Job or Title (if known)  
 Street Address  
 City and County  
 State and Zip Code  
 Telephone Number  
 E-mail Address (if known)

Michael Vance - Individually  
 Sheriff  
 261 S. Eighth St. suite 245  
 Seward; Seward  
 NE 68434  
 (402) 643-2359  
 mvance@co.seward.ne.us

## Defendant No. 4

Name  
 Job or Title (if known)  
 Street Address  
 City and County  
 State and Zip Code  
 Telephone Number  
 E-mail Address (if known)

Seward County Sheriff  
 - governmental agency  
 261 S. Eighth St. suite 245  
 Seward; Seward  
 NE 68343  
 (402) 643-2359

Defendant No. 5  
name: Maria Hatfield - Individually  
title: Director, Seward County Detention center  
Address: 261 S. Eighth St. suite 099  
city/county: Seward, Seward  
state/zip code: Nebraska 68343  
telephone number: (402) 643-9453  
email: (unknown)

Defendant No. 6  
name: Seward County Detention center  
title: - government agency  
street address: 261 S. Eighth St. suite 099  
city/county: Seward; Seward  
state/zip code: NE 68343  
telephone number: (402) 643-9453  
email: (unknown)

## II. Basis for Jurisdiction

Federal courts are courts of limited jurisdiction (limited power). Generally, only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case arising under the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one State sues a citizen of another State or nation and the amount at stake is more than \$75,000 is a diversity of citizenship case. In a diversity of citizenship case, no defendant may be a citizen of the same State as any plaintiff.

What is the basis for federal court jurisdiction? (check all that apply)

Federal question       Diversity of citizenship

Fill out the paragraphs in this section that apply to this case.

### A. If the Basis for Jurisdiction Is a Federal Question

List the specific federal statutes, federal treaties, and/or provisions of the United States Constitution that are at issue in this case.

U.S. Const. amend I, ~~IV~~, ~~VIII~~, ~~XIV~~; ADA : American with Disabilities Act

### B. If the Basis for Jurisdiction Is Diversity of Citizenship

#### 1. The Plaintiff(s)

##### a. If the plaintiff is an individual

The plaintiff, (name) \_\_\_\_\_, is a citizen of the State of (name) \_\_\_\_\_.

##### b. If the plaintiff is a corporation

The plaintiff, (name) \_\_\_\_\_, is incorporated under the laws of the State of (name) \_\_\_\_\_ and has its principal place of business in the State of (name) \_\_\_\_\_.

(If more than one plaintiff is named in the complaint, attach an additional page providing the same information for each additional plaintiff.)

#### 2. The Defendant(s)

##### a. If the defendant is an individual

The defendant, (name) \_\_\_\_\_, is a citizen of the State of (name) \_\_\_\_\_. Or is a citizen of (foreign nation) \_\_\_\_\_.

b. If the defendant is a corporation

The defendant, (name) \_\_\_\_\_, is incorporated under the laws of the State of (name) \_\_\_\_\_, and has its principal place of business in the State of (name) \_\_\_\_\_.  
 Or is incorporated under the laws of (foreign nation) \_\_\_\_\_, and has its principal place of business in (name) \_\_\_\_\_.

*(If more than one defendant is named in the complaint, attach an additional page providing the same information for each additional defendant.)*

3. The Amount in Controversy \$100,000

The amount in controversy—the amount the plaintiff claims the defendant owes or the amount at stake—is more than \$75,000, not counting interest and costs of court, because (explain):

*the violation of my constitutional rights and of the ADA. The Defendants have exhibited differential treatment of a protected class by exhibiting willful and wanton discriminatory actions*

### III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

*Statement is attached as complaint letter to Seward County Sheriff. The Defendants responded to the complaint which exhibited tampering with evidence including but not limited to: falsification of Deputy Bigsby's threats and I had tared/ videoed the incident and the video was deleted from my phone.*

### IV. Relief

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

*compensatory and punitive damages: \$100,000.00  
 cruel and unusual punishment to a legally protected, disabled, Hispanic Plaintiff. Such damages are warranted in that the Defendants have developed a practice and pattern of constitutional violations.*

that need to be deterred. This Court needs to use the Defendants as an example to stop the long, discriminatory, racial profiling manipulations by law enforcement especially on Interstate 80. All person should be able use the highways without harassment and excessive force.

V. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 8-31-20

Signature of Plaintiff

Rufino J. Villareal

Printed Name of Plaintiff

Rufino J. Villareal

B. For Attorneys

Date of signing: \_\_\_\_\_

Signature of Attorney

\_\_\_\_\_

Printed Name of Attorney

\_\_\_\_\_

Bar Number

\_\_\_\_\_

Name of Law Firm

\_\_\_\_\_

Street Address

\_\_\_\_\_

State and Zip Code

\_\_\_\_\_

Telephone Number

\_\_\_\_\_

E-mail Address

complaint to  
Seward County  
Sheriff

July 8, 2020

Rufino Villarreal  
3335 N. 103rd Plz.  
Omaha, NE. 68134  
(402) 813-9253

Seward County Sheriffs Office  
261 S. 8th Street  
Seward, NE 68134  
(402) 643-2359

On February 9, 2020, I was a passenger while driving down Interstate 80 on a early Sunday morning. The abovementioned sheriff's department notice myself and a young lady and her 6 month old baby who occupied the vehicle. Upon noticing that U.S. citizens of Mexican descent were peacefully driving abiding all traffic protocol, Seward County Deputy Bigsby proceeded to follow our vehicle. Strange in that other vehicles were passing us and the officer. The officer proceeded to pass us, but instead remained in the adjoining lane and stared at myself and the driver. The officer slowed down and proceeded to follow us again. This behavior was frightening. Next, he moved in the passing lane, again. This law enforcement officer's behavior was abnormal, in that, normal police officers generally do not approach, intimidate, pass and harass common United States Citizens. We were tempted to call 911 to see if this was a legitimate police officer, especially because I had seen on many investigation series television shows where the police were committing the crimes, for example, the recent conviction of the officer in California who admitted to being a serial rapists and killer. My sister was harassed by a driver on the highway, years ago, and was very shaken. I could relate to that by this peace officer's bizarre behavior. It was as if he had never seen a Mexican before. Deputy Bigsby pulled over on the shoulder and we felt some relief that this officer was not a rogue or was at least done with the hostile assault, in that his intentional actions were unwanted and unwarranted. It actions equivalents a hate crime. Unfortunately, the officer felt it was his duty to further terrorize us, Nebraska citizens. Next Officer Bigsby followed us for miles further terrorizing the female driver with her six month old baby. The driver was clearly

trembling, crying, clearly to distraught to drive. The officer performed what appeared to be a paramilitary (search and destroy) tactic boxing us in behind a truck then finally putting his lights on after boxing us behind a truck which we had to pass. The violation: passing to close?! I even am not sure if that is a violation but I checked the Nebraska Statutes and only saw that when passing, one has to pass safely. The driver was so upset it is a wonder the police officer did not cause an accident. We felt lucky to have survived the officer's aggressive manuvers. Specifically, we had been followed, passed and glared at twice, blocked behind a truck with a precision like tactic designed to entrap us into a highly questionable traffic stop. Not to mention that Officer Bigsby followed us for miles evidently in hopes we may make any minor error. Can you imagine how horrific an experience like this is especially because we entrusted Officer Bigsby to protect and maybe serve us. It was as if we were under detention from his initial attack of harassing us, extending way over a reasonable, legal, investigatory examination. She passed the truck in a very safe manner especially after being followed, profiled, harassed and chased by officer Bigsby. As a student of American history I felt as if I was a Revolutionary in the Revolutionary War being colonized by the British when our framers were subject to unwanted stops, searches and seizures. There was a reason for the Fourth Amendment! I am sure the farmers where also dismayed by the colonizers who selectively enforced laws against "subjects" opposed to British Royalty; hence, the Fourteenth Amendment! I suggest we teach children of differing colors that the law is often more readily not applied to certain "subjects" that don't look British, or American, in this case. Is this a case of having history repeat itself or is it we just don't care if the law is selectively enforced on "certain" people in defiance of the Constitution?

Let's see, where do we start? Racial discrimination, age discrimination, ADA violations? Yes, obviously, driving parallel to us in order to make an judgement on our race was clear. I am a disabled, 63 year old, United States Citizen of Mexican heritage. i am also a retired lawyer,

Officer of the Court, member of a Blue Star family and a Gold star family, twice, and a Political Scientist in that I received a Bachelor's Degree in Political Science from the University of Nebraska at Omaha and Law Degree from Creighton's School of Law. My life has been devoted to studying the Constitution and defending it. This display of desiccating the Constitution are against all I have learned in my thousands of hours studying our nation's history, Constitution, jurisprudence, and preparing for hundreds of trials, as a lawyer. I took an oath to uphold the Constitution as I am sure Deputy Bigsby did. What I witness is tantamount to me losing a case on purpose just to prove the Constitution has no validity because I intently violated their right to a fair trial. My oath meant more than that. The Constitution is the foundation of this country. Once we do not abide by our Constitutional beliefs it becomes Constitutional rhetoric and nothing else. Especially when our Core Constitutional Beliefs become only enforced for white america we have the civil unrest which has been so evident due to this country's attack on minorities. Seward even protested for Inclusive civil rights and justice. After all, even the Nebraska Seal proclaims "all" Nebraskans "Equality before the Law." We must be careful to not dilute the law, especially the exclusionary rule concerning the Fourth Amendment or we will leave it meaningless and the rule of law void. It seems strange that, at best, an imaginary "to close to pass" violation, would result in Nebraska citizens being hunted down to be caged. It has been fifteen years since I have practiced law. It appears from my reading of case law we may as well delete the fourth amendment from the Constitution. We have become more of a paramilitary plutocracy regime where racial profiling has been immorally legitimized. With Deputy Bigsby's White Power attitude mixed with racial profiling of United States Citizens we do not need Al Qeada to get radicalized! Nebraska § 20-502 prohibits racial profiling but this law is hard to enforce because our law enforcement entities are violating the law. Who can police the police? As noted later, the disproportional rate of arrests against People of Color in Seward indicates hateful, racial profiling.

Maybe white america is fearful due to their low birth rate and the fact that they will be the

minority in 20 years. Reigning terror on the non-white population is not the answer. Now is not the time to employ paramilitary tactics; it's a time for reconciliation, understanding and healing. It is not as if we went to Europe and eliminated their language, religion and culture with immoral and racist intent. It is a time to uphold our Constitution and the Bill of Rights that my brother, Mike (Rojas) Villarreal, died for in Vietnam. It is a time to uphold our Constitution that my Uncle Rufino Cruz, died for on Omaha Beach, D-Day, in Normandy. My body just shakes when I realized they died in vain. I'm undergoing therapy but at the same time trying to keep this in perspective. My whole world has been turned upside down. I was always fearful my brother Mike and Uncle Rufino died in vain. I kept holding on to hope and the promises of this country that their sacrifices were for "all" Americans. How horrible that they had to spill their blood, suffer, then die for our hollow Constitutional rights. I'm just another causality like them in our fight for civil rights. His fight in Vietnam was, in essence, a worthless endeavor. Not to mention my Uncle Rufino who must have been terrified hitting the beach and dying on D-Day fighting for "all" of our rights.

I have children and grandchildren who are white and Asian. My 12 year old White Granddaughter was so pro-police. She would run up to them saying how heroic they are and thank them for their service, asking to shake their hands. I never said nothing to her about how they treated me or our family. She also has a Black three year old sister. After my unlawful, unconstitutional detention, illegal search and seizure and the protests her opinion has completely changed. It is sad when a child's impression of those who are paid to serve and protect learns that they are just now roving white domestic terrorists. I will accept my lot as a political prisoner of the State of Nebraska for being the wrong color at the wrong time in history.

What can I do? I have gone through the stages of denial. I'm almost at acceptance. I've been fortunate that I grew up on military bases. My stepdad worked on our Minuteman

Missile Defense. We were the first line of defense for this country during the Cold War. We knew we would go first but not without fighting to save this nation. Everyday at 4 o'clock the National Anthem would play and we would all stop whatever we were doing and face the sound, while the NCOs and Officers would salute. Day after day, year after year. Was that all just false propaganda. My brother was killed the week he was going to come home so I thought when they called me home from school, on the military base, he was home. I came through the door to watch my hysterical mom. I was ten. I just kind of remember they gave her a injection to calm her down. What a disappointment. Maybe it's better. The Vietnam Veterans got treated like crap, anyway. It is kind of hard to forget listening to Taps while they lowered my brother's body then hear the ring of the 21 gun salute while they placed him in the ground. Was giving my mom the flag a token of appreciation or a slap in the face? It was a heavy loss. I was ten. What did I know? I just kept crying because all my brothers and sisters and mom were crying. At least he is buried in Offutt Air Force Base so we are close. My Uncle Rufino is buried somewhere in France. God bless their souls. But, I can't feel sorry for myself. My brother, was 18, idealist and wanted to defeat the communists. He did what he thought was best for this country. I am not going to disgrace his or my Uncle's deaths. Not to mention my other five Uncles who served in every branch of the military during WWII. I am happy they made it back. The stories they told were horrifying. After battles putting body parts in bags, for example. Even if my rights are violated, I still have a dream like and for Micheal and Uncle Rufino. He and my uncle died for us and I would too. At least, those white Citizen that passed us while we were being hunted down had their rights protected. I am willing to take any punishment because I have a dream. Not for me, but maybe for my children. I will gladly be violated, punished, and shamed if the illusion of an inclusive America is realized.

Our family has faced death and died for this country and we are not going to stop. My daughter, Sarah, a graduate of Mariam Catholic High School got a full academic scholarship to

Creighton University. She will be commissioned in May as a Second Lieutenant in the United States Air Force. My son, Rufino Jr., just graduated from Creighton Prep and wants to become a Navy Seal. I am scared for them but know we are patriots. That is what makes our family continually participate in the Wars against foes, foreign and domestic. Our family has a Blue Star tradition since WWII with the hopes of not becoming a Gold Star family, again. Creighton Prep took the State Championship in chess. Rufino Jr. is the number one chess player in the State which kind of bothered me because I was the number two player when I went to high school. I lost the championship game but was still able to sponsor the State at the National High School Chess Championship in Chicago.

I was born in Omaha in 1956 at the old Saint Josephs Hospital where my mom worked as a housekeeper. I attended elementary, junior high and high school all in Omaha, Nebraska. School was always easy mostly because I remembered everything. I got straight As at UNO until my junior year mostly because I got married then but went back to school in my early thirties. In my sophomore year I worked in the English lab as an English tutor. I was picked by the faculty to be the student representative over all the political science students. I received a full scholarship at UNO and Creighton Law School. I had wanted to be a lawyer since I was nine because I enjoyed ambiguous subject matter, intellectual pursuits, and analytical symmetry. I had gotten the highest grade award in high school for geometry and love chess. I have a couple hundred rating points to become a Master. While at Creighton Law, myself and another student, started the Creighton Law Clinic and a club called the Public Interest Law Forum. It is more commonly known as poverty law. I am proud the Creighton Law Clinic now serves the under and unrepresented populations and the club we started still exists. I was primarily interested in helping the underrepresented. I also achieved an award call the Father Scholmer award based on voluntarism and community service. My name is permanently etched on the Wall of Distinction in Creighton's main campus's Student Center. Anyway, after

law school I tried to work for legal aid or the public defenders but was not hired. So I joined an immigration law firm and worked around 80 hours a week for around a year before I went on my own. I won my first trial and became a very successful immigration lawyer.

After practicing law for around five years I was one of the two top immigration lawyers in Nebraska. I had around ten offices and juggled hundreds of cases at a time. I was living in a millions dollar house with five \$80,000 cars in my four car garage. I could fit my Porsche in my garage if I parked it sideways. I wanted to practice poverty law. I did not become a lawyer for the money, it just happened. I was making over \$200,000.00 a year and was about ready to make 500K a year when I lost my law license for filing asylum applications for Mexicans which was strange because I had just won an asylum case for a Mexican when my license was suspended. I learned in hindsight that I did nothing wrong except I was too good for my own good. When we went to court I would have twenty cases and all my fellow immigration lawyers had one or two. I thought I could fix every client's problems and was good at it. But jealousy got to my white attorney counterparts. They would tell me to charge more and stay out of their territory. I was thinking charge less and work harder. I published a book called, "Memories of a Disbarred Immigration Lawyer," by Clemente Cruz, my grandfather's name, which tells my story. I had to use an alias due to obvious reasons. I did not have the heart to charge immigrants thousands of dollars to start a case. I charged them all a couple hundred dollars and \$50.00 or \$75.00 a month if it was a difficult case. I had worked as a Union Journeyman Bricklayer after i got married and could not overcharge my clients when I knew how it felt to come home every day feeling like you got hit by a truck. I was trying to help people not gouge them. A reporter from the Des Moines Register, Brianna Blake, told me the government told my clients to say I did not tell them about the asylum applications and then they would give them their papers but, instead deported them. It's in the book. The only thing that isn't in the book is that after I lost my license, a white lawyer did the same applications without any repercussions. Unfortunately, I was too advanced for any other

lawyer to understand what I was doing. I mean its more than prices, procedures and even connections. It's how you treat people. I can honestly say my clients were my friends and I would fight until my last breath then get a second wind. It is sad how the Bar Association mistook my representations as something of a scheme, but of course, if you do not know what you are talking about, anything on its surface can appear to be a scheme. Anyway, The Bar got rid of me for helping immigrants so having my rights violated should be no of surprise. I guess that wasn't enough because the U.S. Attorney felt it was important to indict me for money laundering and mail fraud. We used the government's testimony and data showing Mexicans routinely get asylum, so they lost. It appears I should of had the Hon. District Court Judge White preside over my disciplinary hearing, as well. The allegations were identical to my disbarment. Different standards of review. Got it. It was strange that the government would spend hundreds of thousands of dollars on a useless trial. They flew in "experts" from D.C. and Chicago to unfortunately make a fool of themselves and had boxes on top of boxes of useless evidence. But one good thing from discovery I found out that around fifty of the cases, I filed which were deemed "frivolous," my clients I "hurt" became permanent residence! I was fearful other lawyers would not know what to do but at least they won my more obvious winning cases. So I am proud that I gave citizenship to hundreds of Mexicans over the years. Even if my rights were obviously violated due to my DWB (Driving While Brown) I feel at least I helped hundreds of good people become United States Citizens!

Police departments are changing due to long standing injustices and the killing of George Floyd. Omaha, for example, has revamped some of their stances on choke holds and the City Counsel has made a resolution to end racism. Something I never thought would happen. I was born in 1956, as previously mentioned, and lived in the South Omaha projects until 1965 when they became desegregated. To see this society care about their second class citizens is amazing. It was also staggering that Syria even PROTESTED BLACK LIVES MATTER! I have

become so conditioned that profiling, brutality, lying and harassment by the police was just normal. I would have never written a police complaint in the past because one, it would not do any good and could get me in more trouble; and two, I was fearful that it would be reason to give an officer a promotion. I also feel like I'm in a different country where there might be hope. I got rather used to be alienated and treated like an immigrant, which at one time were acceptably. Just last year when I went to help a friend get their car out of the impound and the officer asked me for my "American I.D." I wanted to ask them for their European passport but had to remember my white Americans have also been conditioned with privilege. Mayor Stochert was very upset and asked me what I wanted to do to the officers at the impound. I assumed I could fire or at least suspend her pay or something. But I asked them to just tell her, "not all Mexicans are illegal." Asking a brown person for their passport or green card is normal in that I have been asked for both. It is somewhat disheartening because my family has died for their freedoms, but what can I do? Privilege is good. The only problem is when the privilege is attached to others being disadvantaged. Policing is necessary and I have no problem with enforcing the law. I do have problems when the enforcement is unevenly enforced on certain economically disadvantaged and demographically targeted social groups, with pretentious promises to uphold the Constitution. Making up traffic violations has no room in American Jurisprudence. I know President Trump started his campaign proclaiming Mexicans are criminal and rapist then started caging brown children and separating families. I know in Nebraska all brown people are Mexicans so I am using the term in the vernacular. Our country is based on a principal of equal justice under the law which should mean that racial profiling should also be illegal. However, my review of case law in Nebraska appears that exceptions have been carved out to circumvent the Rule of Law and our Social Contract. The citizenry agrees to support the ideals and values of the law only if those in power also follow the rules and stop poking wholes in the foundational rules of our Contract. Subsequently, protest, riots and burning cities. As a Christian nation what happened to "love thy neighbor" or

"treat others as you would like to be treated?" If we would follow our own teachings a lot of grief would be avoided.

If anything a police officers should be held at a higher standard, such as lawyers, who could be disciplined or even lose their license with an "appearance of an impropriety." It has been a while since I practiced law but if chasing down United State Citizens, making up a traffic violation, then performing an inquisition on the citizens, is at best Constitutional violations and at worst discriminatory racial profiling with malicious intent. Police immunity brings police impunity. And we all know that power corrupts and absolute power, absolutely corrupts. If we have not witnessed that then we are all delusional. I do not want to say this it but the demographic makeup of the Seward County Sheriff's Office makes them look like a white Militia group. Not one Person of Color and more than likely zero recruiting efforts. Just saying. I was researching for demographic biases in the number of reported arrest and traffic stops in Seward and here is what I found out. Seward is 93% white and the percentage of their arrests for white people is 83%. They are also 2.7% percent Mexican looking people but they comprise of 7.3% of the arrests. I did take statistics, after law, for my Chemistry degree but complicated statistical analysis is not required to see the great disparity. Statistically and mathematically speaking, brown people are three times likely to be arrested and stopped than their white counterparts. This correlates with me being profiled, chased and receiving a highly questionable, imaginary traffic violation. In addition, when Deputy Bigsby stopped us, he mentioned how she passed the truck and I made a comment like it wasn't very close and he told me to, "Shut Up!" Then he noticed my handicap sticker hanging from the rear view mirror and stated, "I can give you a ticket for that too!" I guess anything to put us in his grips. Now, as a disabled, senior citizen I was verbally assaulted for evidently being disabled and Mexican. Matters only got worst in their correctional facility because I am on five medications which I did not receive for four days until after I bailed out. Furthermore, while being illegally detained,

I tried to use two thin plastic mattresses because one was to painful on my back, due to the metal beds. I still have not recovered from two failed back surgeries and was admonished when I attempted to accommodate my disability. I stayed there in pain while they closely examined me in an effort to make sure I did not sneak another mattress so I would endure additional pain and discomfort.

As a Political Scientist I take interest in hypotheticals and also watch C-SPAN daily. I especially enjoyed a recent segment where racism was discussed as a security risk. It not only divides us demographically, but causes unrest due to unequal treatment of the law which cumulates in to civil unrest, protesting, and destruction of cities. They framers did point out we are born equal, maybe they should have emphasized, as such, we should also all get treated equally, as well. Obviously, we do not need a seminar to explain to us the crystal clear evidence. That is why it is mandatory that the police change there tactics before complacency infects the citizenry to the point of no return. We have evolved into a form of Marshall Law which has lead to further deterioration of our rights with over zealous law enforcement. Unfortunately, “this hypotheses that racism is a security risk has already came to fruition and we are what I should describe as a heavily armed authoritarian regime that have left our rights, dispensable.” Let’s look at the evidence. Disproportional arrests and stops as proven by Seward’s Sheriff’s department’s own data. Surplus military gear meant to squelch the citizenry. Police killing people on television with little regard to life, more less rights. More people in prison than any country in the world and we actually call ourselves a “free” country? Most of those people are nonwhite which points to widespread racism and terrorism on segments of our society. The fact that certain citizens that have less health care, shelters, civil rights, food, and more likely die from the virus to the point where we are leading the world in this sinister practice of ethic cleansing. The police act as a jury and a judge. The darker portions of our population are presumed guilty and denied their rights. It appears the police have a contract with the Prison Industrial Complex, which has ravaged the nonwhite population, in order to

supply them with customers; as if there is a bounty on NonWhite Nebraskans and United States Citizens. It is not just the unlawful and immoral tactics the police employ but also future consequences to the falsely accused because we all know that our system is built on systemic racism, revenge, hate, and punishment. Once a person has got that criminal record, future opportunities, including but not limited to, many educational, economical, voting, and occupational damages occur leaving a person with irreparable harm and a life with few opportunities leaving some with no avenue but to commit crimes to survive. If this is a scheme to ruin people's' lives and destroy any of their potential, then the system is perfect. Unfortunately, these hardships disproportionately occur to nonwhite citizens. I always thought it is better to let a guilty person go free then to have an innocent person convicted. We have reached a critical mass where our country is aching for the regeneration of our rights as the framers envisioned them. I do not have to belabor these evident truths.

My rights violated so many times it would take days to include all the incidents in this complaint. For example, the Douglas County Sheriffs Department broke into my house in 2004 to serve me divorce papers at gun point. That was not the first time I looked down a peace officers barrel. Why would I report this to the same people who did it? Despite the numerous civil rights violations i sustained I was able to achieve my dream even if my white brothers and sisters stoled my livelihood. I did buy my \$1,000,000.00 dollar house, I vacationed in Hawaii so many times if was getting boring. My trip to Europe was fun,. I was fortunate to have children from two white women and luckily most my children can pass as white. I also have Asian children and am sadden that they are also subjugated to racist rhetoric from high government officials and are being discriminated against due to the Trump Flu which he has renamed the "Kung Flu." Do my children of Asian decent entering the military to defend this country really have to be subjected to such discriminatory hate as patriotic United States Citizens? It's about enough to make me cry. After a while, certain segments of our society

get tired of the abuse, second class citizen status, crying and dying. In law school one of our professors stated, "if the lawyers in Germany would have fought against Hitler, WWII may have never started." As every lawyer understands, taking fruit from a poisonous tree has been deemed unconstitutional. Is it possible to stop our erosion and the destruction of the Constitution? The exceptions and exploitations of the fourth and fourteenth Amendments would have the framers rolling in their graves.

In conclusion, the Fourth of July, was a very hard weekend for me as a United States Citizen who is trying to find hope in a system that has constantly finding fault in some people at the expense of our values, freedom, liberty, and the Constitution. I was trying not to think of my brother and uncle who fought and died for this country. Hopefully, at least some have gained from their sacrifices now that they defeated Hitler and fought Communism. At least my brother is on the Vietnam Wall where hopefully he will be remembered. I am just lucky I was spared the systematically selected discriminatory practices earlier and avoided a criminal record where I would more than likely be behind a shovel or a mop, now, instead of being the recipient of a \$200,000.00 education by working hard and playing my the rules; even though, my livelihood was eventually stolen. Systematic racism is not good for anyone. When one United States Citizen hurts we all hurt. When one United States Citizen is successful we all succeed. Finally, I do want to thank all the white people who helped me get a career that my ancestors could have never imagined. Things look great when our white United States Citizens have a conscious and realize we all have dreams and feelings and strive to live the life that our framers imagined. My final question is: is the Steward County Sheriff's Department going to continue this reign of terror that our framers fought and died to stop or is systemic racism, racial profiling, and Constitutional violations going to continue as the Constitution meets its death?

CC: Seward Public Defenders Office  
ADA Affiliates

Mr. Tony Vargas Nebraska Senator  
Mayor Stothert  
Senator Ernie Chambers  
Senator Wendy DeBoer - District 10  
Rep. Don Bacon - Ret. Air Force General  
Senator Deb Fisher  
Senator Benjamin Sasse  
Nebraska Attorney General  
National/local Democratic Party  
Radio and television stations throughout Nebraska  
NPR  
Governor Ricketts  
Nebraska Commission on Law Enforcement and Criminal Justice  
Racial Profiling Advisory Committee  
Nebraska Bar Association  
Nebraska State Patrol  
Douglas County Sheriffs Department  
Seward City Council  
Omaha City Council  
Mayor of Seward Nebraska, Mr. Josh Eickmeier  
Creighton Law School Dean  
Creighton Law School Faculty  
Creighton Law School Legal Clinic  
Creighton Law School Magazine  
Creighton Magazine  
Creighton Department of Cultural and Social Studies  
Creighton Law School Alumni Class of 1989 through 1995  
University of Nebraska at Omaha Dean and Political Science Department  
University of Nebraska Alumni Association  
University of Nebraska at Lincoln Dean and Political Science Department  
University of Nebraska Law School  
University of Nebraska Law School Magazine  
Civil Rights Commission  
Eastern Nebraska Office on Aging  
Midland Latino Community Development Corporation  
National Latino Peace Officers Association  
Congressional Hispanic Caucus  
National Council of La Raza ( UnidosUS )  
ACLU  
Association of Latino Professionals of America  
Hispanic National Bar Association  
Mexican American Legal Defense and Educational Fund  
Nebraska Hispanic Lawyers Association  
National Association of Hispanic Elderly  
National Association of Latino Elected and Appointed Officials  
National Hispanic Council on Aging  
Hispanic Genealogical Society  
The National Institute of Latino Policy  
The Thomas Rivera Policy Institute  
National Association of Trial Lawyers Association  
Latino Law Center - Omaha

NALEO  
U. S. Department of Veteran Affairs  
Department of Defense: United States Air Force  
Office of Congressional and Legislative Affairs  
Grassroots Leadership  
Voto Latino  
Forward Latino  
Latino Victory  
Chicanos Por La Causa  
Hispanic Institute  
American GI Forum of the United States  
LULAC  
La Raza Unida Party  
National Law Journal  
ABA Journal  
The Lawyer Magazine  
The Law Society Gazette Magazine  
Attorney at Law Magazine  
Lawyer Monthly  
Law Practice Magazine  
ABA Law Practice Magazine  
Criminal Justice Magazine  
Trial Lawyers Magazine  
DRI

### Treatment by Seward County Detention Center

On July 14, 2020 I went to Seward County Courthouse which also encompasses the County Jail. There was a mixup on a 8:45 a.m. video hearing so i went to the Courthouse despite the Covid-19. I am a 64 year old disabled Hispanic male, with underlying conditions in that I am on SSD. The judge was upset or something and instead of letting me go to court he put me under arrest. I was fearful to go to jail where the general population had been due to my underlying conditions which they were aware of due to a previous unlawful detention which I shall talk about shortly. Nonetheless, the County put me in a dirty holding cell with numerous hairs from previous detainees potentially exposing me to the virus. They could have easily kept me in a safe area especially because I'm disabled and voluntarily came to the Courthouse to comply with their orders when they did not answer the phone or call me for my hearing. I had intended on making this complaints earlier but broke my arm a month ago and am just getting to use it. On Sunday, February 9 through Wednesday, February 15, 2020 I was in the same facility and informed them of my disability and the need for approximately 12 medications for blood pressure, asthma, blood clots and other ailments. Consequently, there have been ongoing violations by this government facility. They could have easily called my doctor Monday, February 10, to get me some Medication but I was denied any medication except for an unprescribed inhaler that I didn't even know what it was. Furthermore, I had asked for another mattress in that the mattresses were only a couple inches thick but was denied another thin mattress despite two disabling back surgeries they were aware of. When I attempted to use another additional mattress due to my disability I was admonished. Consequently, I had to endure additional pain and suffering due to their lack to accommodate my disabilities. Unfortunately, I feel I was discriminated against due to my race, disability and age. I would appreciate the Court to provide me an equitable remedy and relief for their willful and wanton discriminatory actions.